

September 23, 2009

MINUTES OF A MEETING OF THE TORRANCE ETHICS AND INTEGRITY COMMITTEE

CALL TO ORDER

The Torrance Ethics and Integrity Committee convened in a regular session at 7:00 p.m. on Wednesday, September 23, 2009, in the West Annex Commission Meeting Room, 3031 Torrance Boulevard.

ROLL CALL

Present: Committee Members Gallagher, Gotshall, Montoya, White and Chairman Payne.

Absent: None.

Also Present: Staff Liaison to the Committee Lohnes and Deputy City Attorney Strader.

FLAG SALUTE

Staff Liaison to the Committee Lohnes led the Pledge of Allegiance.

ORAL COMMUNICATIONS

a. Due to the extensive meeting agenda, Member White suggested that Consent Calendar Item No. 7 (Discussion and Recommendations for the Development of an Ethics Package to be Used at New Employee Orientation) be continued.

Staff Liaison to the Committee Lohnes explained the City Manager's opinion that the Ethics Package used at new employee orientations could be enhanced and that this would be a good opportunity for the Committee to provide input. However, the item could be continued should the Committee wish to do so.

Following a brief discussion, the Committee agreed to consider Item No. 7 in regular agenda order.

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CONSENT CALENDAR

1. Report of Staff on Posting of the Agenda

Staff Liaison to the Committee Lohnes presented an affidavit confirming the posting of the agenda for this meeting.

2. Approval of Minutes, June 24, 2009

Staff Liaison to the Committee Lohnes explained the procedures for adopting the Consent Calendar.

Chairman Payne asked that Consent Calendar Item No. 3 (Approval of Minutes of August 26, 2009) be pulled from the Consent Calendar and he offered the following motion:

MOTION: Chairman Payne moved to approve Consent Calendar Item Nos. 1 and 2. The motion was seconded by Member Gotshall and passed by unanimous roll call vote as shown below:

Ayes:	Gallagher, Gotshall, Montoya, White and Chairman Payne.
Noes:	None.
Abstain:	None.
Absent:	None.

3. Approval of Minutes, August 26, 2009

Chairman Payne modified the minutes of August 26, 2009 as follows:

Page 8, Paragraph 5, "...He summarized the accomplishments and recommendations of the Blue Ribbon Committee as follows..."

Chairman Payne questioned the reference to the City Attorney in Page 9, Paragraph 2. He asked that the audio recording of the discussion be reviewed to clarify his remarks.

MOTION: Chairman Payne moved to continue Consent Calendar Item No. 3 (Approval of Minutes, August 26, 2009) until further clarification is provided with regard to Page 9, Paragraph 2. The motion was seconded by Member Gotshall and passed by a 4-1 majority roll call vote:

Ayes: Gotshall, Montoya, White and Chairman Payne.
Noes: None.
Abstain: Gallagher.
Absent: None.

WRITTEN COMMUNICATIONS

4. **Committee Attendance at Brown Act Enforcement Training to be Held on October 1, 2009**

Member White suggested that Chairman Payne and Vice Chairman Gallagher attend the Brown Act Enforcement Training.

Chairman Payne and Vice Chairman Gallagher expressed their regrets that they are unable to attend the training on October 1st.

MOTION: Chairman Payne moved for Members White and Gotshall to represent the Ethics and Integrity Committee at the Brown Act Enforcement Training on October 1, 2009. The motion was seconded by Member Gallagher and passed by unanimous roll call vote:

Ayes: Gallagher, Gotshall, Montoya, White and Chairman Payne.
Noes: None.
Abstain: None.
Absent: None.

Member Gotshall said that she will notify staff as to her ability to attend the training.

5. **Confirm Training Schedule for Ethics Training to be Provided by Torrance University**

Staff Liaison to the Committee Lohnes and Deputy City Attorney Strader asked that the Committee confirm the schedule for the ethics training to be provided the Committee by Torrance University.

The Committee agreed to schedule ethics training at the October 21st and November 18, 2009 meetings.

MOTION: Member Gallagher moved to schedule ethics training at the Ethics and Integrity Committee meetings on October 21st and November 18, 2009. The motion was seconded by Member Montoya and passed by unanimous roll call vote:

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Ayes: Gallagher, Gotshall, Montoya, White and Chairman Payne.
Noes: None.
Abstain: None.
Absent: None.

Staff Liaison Lohnes related her intent to confirm that instructors from El Camino College are available to provide the ethics training on the meeting dates agreed to by the Committee.

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RECESS AND RECONVENE

At 7:15 p.m., there was a recess until 7:30 p.m., when the meeting reconvened in regular agenda order with all members present.

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6. Discussion of Priorities and Work Plan Development to Include Presentation by Len Wood of Len Wood and Associates

Noting Mr. Wood's absence from the meeting, staff Liaison to the Committee Lohnes explained that this item was placed on the meeting agenda for the Committee to meet Mr. Wood, a consultant who will be interviewing the Committee members as part of the development of the Work Plan, and for Mr. Wood to provide an overview of the procedures used to develop the Plan. She distributed written material from Mr. Wood outlining his proposal (addressed to Assistant City Manager Giordano, dated August 15, 2009).

Member Gallagher related his impression that Mr. Wood would be a facilitator to draw upon the Committee's input and develop the Work Plan.

Chairman Payne voiced his confusion that the ordinance pertaining to the Ethics and Integrity Committee includes the Committee's development of requests for proposals (RFPs) for consultants, but the Committee did not develop an RFP for Mr. Wood's services.

Staff Liaison Lohnes explained the City Manager's and Mayor's suggestion when the Committee was formed for a consultant to assist the Committee through the growing process and help the members understand the Committee's role. She noted that the Work Plan will be funded by the City Manager's office and that one purpose of the Plan is to help the Committee be successful.

Member Gallagher stated his desire to move forward with the Work Plan in a timely manner and he questioned if it will be possible to have a meaningful Plan in place before some of the Committee members' terms expire. He agreed with the idea of a consultant to assist in the development of the Plan, but questioned if a facilitator would be necessary, and called attention to the value of No. 2 in Mr. Wood's proposal to "Interview the City Manager, Mayor, Assistant City Manager, Assistant to the City Manager, Civil Services Manager, Assistant City Attorney and other suggested City officials."

Deputy City Attorney Strader advised that the Committee is welcome to invite any City official or member of staff to the meetings and that the members are not prohibited from meeting with the Mayor, the City Manager, etc.

Member White asked if the Committee would develop the questions to be asked of City officials, as in No. 1 of Mr. Wood's proposal to: "Develop a questionnaire that can be used to focus City Official and participant interview sessions."

Staff Liaison Lohnes advised that the development of the questionnaire would be part of Mr. Wood's role; but, to obtain a perspective of the members' focus and meaningful information to use in the development of the Work Plan, the questions would be based on input from the Committee.

Chairman Payne agreed that the Committee should have input on the questionnaire and he noted that the Committee could review a draft of the Work Plan to be developed by Mr. Wood.

Deputy City Attorney Strader advised that, in order to keep the Plan moving forward, subcommittees could be formed, or individual members could be tasked with various items.

Member Gallagher commented on the importance of being true to the Blue Ribbon Committee's recommendations and what was accepted by the Council. He asked for clarification on the Committee's role in implementing an ethics message to the Council.

Staff Liaison Lohnes explained that the Committee can provide reports to the Council and advise the Council on contracts, RFPs, etc.; but, the ordinance does not appear to include ethics training for the Council.

Member Gotshall related her impression that the behavior of some candidates during a previous election in Torrance led to the development of the City's Ethics and Integrity Program and she commented on the importance of candidates signing an ethical declaration that coincides with the goals of the Blue Ribbon Committee.

Deputy City Attorney Strader explained that the general emphasis of the ordinance was a City wide ethics program and that all of the Blue Ribbon Committee's intentions might not have been codified in the ordinance; but, the consultant will interview the Committee members, City Manager, Mayor, etc. to help clarify the Committee's role, and the Committee could go back to the Council to discuss expanding the Committee's purview to include elected officials, which do not appear to be included in the ordinance. Staff will obtain additional input on this matter and report back to the Committee at a future meeting.

Member Gallagher voiced his understanding per discussion with the Mayor that the Committee should be working with the Council and other elected officials. He discussed the importance of developing ethics standards and a code of conduct that is personalized to the City of Torrance and applies to everyone, with the understanding that it can be related in a different manner to elected officials and City employees.

Chairman Payne agreed with the importance of a certification program which candidates and elected officials can understand.

Member White suggested that the Committee's discussion at this time focus on the agenda item, which includes the Committee's priorities and the development of a Work Plan. She voiced her understanding that questions from the Committee would be brought up in the questionnaire and during interviews with the consultant and that Mr. Wood's proposal must be approved in order to move forward.

MOTION: Member White moved to accept Mr. Len Wood's proposal. The motion was seconded by Member Montoya and ultimately replaced with a substitute motion.

Discussion continued with Member Montoya stating his appreciation of the opportunity for a consultant to design a road map for the Committee, particularly since the Committee's time is limited and the consultant can work between meetings. However, he pointed out that Mr. Wood's proposal does not include a time frame, and he is unfortunately not present to provide input.

Staff Liaison Lohnes apologized for Mr. Wood's absence from the meeting.

Chairman Payne questioned what Committee's input will be in this process and he supported the need to clarify what the Council expects, but it was his understanding that the Committee was expected to step forward with the City's Ethics and Integrity Program. He agreed with continuing this item obtain input from Mr. Wood and entertained the idea of Mr. Wood providing condensed training at the meeting in October. Chairman Payne offered a substitute motion:

SUBSTITUTE MOTION: Chairman Payne moved to continue approval of Mr. Len Wood's proposal until the next meeting to give the Committee an opportunity to interview Mr. Wood. The motion was seconded by Member Gotshall and ultimately passed by a 4-1 majority roll call vote.

Continued discussion included Deputy City Attorney Strader advising the Committee of the procedures for making a substitute motion which, she clarified, disposes of the previous motion.

Members Montoya shared his fellow members' concerns over making a determination without obtaining input from Mr. Wood.

Member Gallagher also supported meeting Mr. Wood before approving his proposal. Since the majority of the Committee members appear to agree with continuing this item, he recommended that they review Mr. Wood's proposal prior to and formulate questions for the next meeting in order to expedite the process.

The motion to continue Agenda Item No. 6 was passed by a 4-1 majority roll call vote:

Ayes:	Gallagher, Gotshall, Montoya, and Chairman Payne.
Noes:	White.
Abstain:	None.
Absent:	None.

7. **Discussion and Recommendations for the Development of an Ethics Package to be used at New Employee Orientation**

Staff Liaison to the Committee Lohnes explained the City Manager's desire for input from the Committee in order to provide a more profound ethics training presentation during employee orientation.

Chairman Payne recommended that new employees be required to attend ethics and integrity training as soon as possible after they are hired. He suggested broadening the City Clerk's certification program for elected officials to include City employees, and noted the importance of a good ethics and integrity brochure for new employees.

Member Montoya commented on the value of constant ethics and integrity reminders, such as brochures, which can be posted in employee offices/work stations etc.

Member Gotshall recalled the yellow ethics pamphlet for elected and appointed officials developed by the Blue Ribbon Committee, which could be included in the City's ethics and integrity package and given to new employees, with a notation that it is provided to elected and appointed officials.

Member Gallagher commented on the sparse nature of the yellow ethics pamphlet distributed during recent commissioner training and he indicated that a more polished version of the pamphlet, which includes what it means to be an employee in the City of Torrance, could be incorporated into the ethics and training package. Mr. Gallagher pointed out the importance of consistency in the message for candidates, elected officials and City employees and he agreed with the need for constant reminders for employees. He suggested that the Committee determine what they would like to see in the ethics and integrity package, what is affordable and what can be implemented.

Member Montoya noted the difficulty of determining priorities. He agreed with the importance of providing ethics and integrity information to employees and stated his appreciation of the City Manager's attention to this matter.

The Committee discussed whether the yellow ethics pamphlet developed by the Blue Ribbon Committee could be used as an official document and whether new employees could be required to sign it.

Staff Liaison Lohnes advised that consistency in the orientations for City commissioners, elected officials and employees is a good idea, but out of the scope of Agenda Item No. 7. She related staff's willingness to research whether employees can be required to sign ethics and integrity documents; present input on the certification program provided by the City Clerk; and consult with the Torrance University training team about the possibility of providing new employee ethics and integrity soon after they are hired.

Member Montoya commented on the need to effectively communicate the importance of ethics from the highest levels and he introduced the idea of employees interacting with senior City leaders, as well as the ethics package including a letter from the Mayor about why ethics is important.

Member Gotshall recommended that the Scenarios for Values developed by the Blue Ribbon Committee, excluding those which apply to elected officials, be provided to new employees.

Member Gallagher suggested that, because they are so extensive, only a few of the Scenarios be provided in the information for employees. He agreed with the ideas introduced above by Member Montoya.

Staff Liaison Lohnes summarized her understanding of the direction provided by the Committee as follows: (1) Review the Scenarios for Values in the Blue Ribbon Committee Report to determine which apply to City employees; (2) Develop a message from the Mayor, and/or the City Manager and/or the City Clerk about the importance of ethics, with personal references, to reinforce why ethics and integrity are important to the City of Torrance; (3) That new employees be required to attend ethics and integrity training as soon as possible after they are hired; to compose a visual reminder for employees about ethics and what is expected of them, which can be placed in their offices after orientation; and (4) Revise information in the yellow pamphlet compiled by the Blue Ribbon Committee to be more specifically tailored to employees.

MOTION: Member Gotshall moved to direct staff to obtain information as directed by the Committee and report back at the meeting on November 18, 2009. The motion was seconded by Chairman Payne and passed by unanimous roll call vote:

Ayes:	Gallagher, Gotshall, Montoya, White and Chairman Payne.
Noes:	None.
Abstain:	None.
Absent:	None.

Chairman Payne suggested that orientation programs be added to the detailed assessments of successful ethics and integrity programs in other cities which staff will prepare and provide to the Committee.

ORAL COMMUNICATIONS

1. Member White requested clarification on the Committee meeting dates for the remainder of the year.

The Committee and staff agreed to the meeting dates of October 21, 2009, November 18, 2009 and December 16, 2009.

Member Montoya indicated that he might be unavailable on the re-scheduled meeting dates due to prior business commitments.

2. Chairman Payne requested input on staff's intent with regard to the priorities provided by the Committee members.

Staff Liaison to the Committee Lohnes advised that the priority information provided by the Committee members will be presented for the Committee's consideration at a future meeting.

3. Chairman Payne reported on discussions of the Committee's responsibilities and how to gather information during a meeting he and Member Gallagher attended with the Mayor and City Manager on August 31, 2009, including the Mayor's indication that the Committee is primarily assigned to review items, as indicated in the ordinance. With this in mind, Chairman Payne asked the Committee to direct staff to address and provide a progress report in 60 days on the "Request to Staff – Assessment of Other Cities' Ethics Programs" he distributed at the meeting.

The Committee agreed to direct staff to address the "Request to Staff – Assessment of Other Cities' Ethics Programs" distributed by Chairman Payne and provide a progress report in 60 days.

Member Montoya commented on the excellent list; however, he voiced concern over the extensive amount of information requested of staff. He recommended that whether or not leadership engagement and support is provided also be added to the Assessment.

Member Gotshall suggested an additional guideline to examine if employees receive ethics training on an on-going basis.

The Committee commended the recommendations and agreed to direct staff to collect the necessary data and report back at the meeting on December 16, 2009.

Member Gallagher related his understanding that some departments, such as the Torrance Police and Fire Departments, have ethics codes. If so, he suggested that copies of these codes and any related training curriculum be obtained.

Staff Liaison Lohnes verified that staff will look into this and report back to the Committee.

4. Member Montoya suggested that the Committee Chairman and staff discuss items to be included on the meeting agendas.

Staff Liaison Lohnes described the process for placing items on meeting agendas. She related her understanding of staff's ability to set the agenda independent of the Committee, as well as the Committee's ability to task staff and, during the Committee meetings, ask to place items on future agendas.

Chairman Payne voiced his understanding that the Committee members can introduce agenda items under the second "Oral Communications" on the meeting agenda.

5. In order for the Committee to best and more efficiently work in a city manager type of government, Member Gallagher asked staff to determine the Committee's latitude according to the ordinance with regard to ethics training for elected officials.

Deputy City Attorney Strader commented that, hopefully, the consultant's interviews will resolve the issue of the Committee's purview.

Member Montoya related his impression that the majority of the Committee members believe elected officials are included in the ethics training. He emphasized the high priority of ethics training for elected officials and pointed out that information to be gathered by the consultant could take an extensive amount of time. For this reason, Member Montoya suggested that Chairman Payne talk to the Mayor to obtain clarification rather than waiting for information obtained from the consultant's interviews.

Chairman Payne discussed the idea of the Committee members participating in the development of the questionnaire and accompanying the consultant to the interviews.

Member Gallagher agreed with the idea of Chairman Payne discussing the intent of the ordinance with regard to elected officials with the Mayor and, if this is not possible, going to the Council to obtain clarification.

6. Staff Liaison Lohnes related her plans to email the link to the recent ICMA audio conference that she and Chairman Payne attended to the Committee members. She noted that the link is good for only 30 days.

Chairman Payne shared information about some of the recommendations made during the audio conference.

ADJOURNEMENT

At 9:12 p.m., the meeting was adjourned to Wednesday, October 21, 2009, 6:30 p.m.

Approved as Amended October 21, 2009 s/ Sue Herbers, City Clerk
